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Manda J. Lawrence
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PATENT #9

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GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Greg Campau et al.

Serial No.: 09/939,509

Filed: August 24, 2001

For: ELECTRONIC BRAKE
MANAGEMENT SYSTEM WITH
MANUAL FAIL-SAFE

Confirmation: 2340

Group Art Unit 3683

Examiner: Christopher P. Schwartz

Attorney Docket 1-23339

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OFFICE OF PETITIONS

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION REQUESTING WAIVER OF THE SIGNATURE REQUIREMENT OF A
NONSIGNING INVENTOR FOR A SUPPLEMENTAL DECLARATION UNDER
37 C.F.R. 1.183

Honorable Sir:

It is respectfully requested that the signature requirement of Salvatore Oliveri be waived for the Supplemental Declaration transmitted herewith. Mr. Salvatore Oliveri has refused to sign this Supplemental Declaration as is shown by the evidence submitted herewith.

Please charge Deposit Account No. 11-0417 in the amount of \$130.00 to cover the fee pursuant to 37 C.F.R. 1.17(h).

Salvatore Oliveri was employed by Lucas Varity GmbH as a Chief Engineer from the period prior to March 7, 1996 until around September 1, 2003. The co-inventors of the invention of the subject U.S. Patent and Reissue Application are

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02 FC:1253

employees of various subsidiaries of TRW Automotive, Inc., including Lucas Varity GmbH and Kelsey-Hayes Company.

On March 7, 1997, a U.S. Patent Application, Serial No. 08/813,146, was filed. On July 15, 1997 an Assignment was executed by Salvatore Oliveri to Kelsey-Hayes Company. This Assignment conveyed all right, title, and interest for the inventions described in U.S. Patent Application Serial No. 08/813,146 and in any patent applications for the inventions including divisionals, renewals, continuations, reissues, and any other lawful forms of protection. A copy of this Assignment is attached as Exhibit A.

On August 28, 1997 a Declaration was executed by Salvatore Oliveri for U.S. Patent Application Serial No. 08/813,146. A copy of this Declaration is attached as Exhibit B.

On August 24, 1999 U.S. Patent Application Serial No. 08/813,146 granted as U.S. Patent No. 5,941,608. A Reissue Application for U.S. Patent No. 5,941,608 was filed on August 24, 2001 in the U.S. Patent and Trademark Office, Serial No. 09/939,509.

On February 22, 2002 a Declaration for this Reissue Application was signed by Salvatore Oliveri that listed Gregory P. Campau, Andrew W. Kingston, Robert L. Ferger, Thomas Weigert, Blaise J. Ganzel, and Mark S. Luckevich as co-inventors. A copy of the application as filed accompanied this Declaration. A copy of this Declaration is attached as Exhibit C.

In an Office Action dated May 23, 2003, the Declaration filed with the Reissue Application was determined to be defective for failing to identify at least one error which is relied upon to support the reissue application. A Supplemental Declaration is required to be filed with response to the Office Action no later than November 24, 2003.

A Supplemental Declaration identifying at least one error which is relied upon to support the reissue application was sent to all inventors with a copy of the Amendment to be filed and a letter requesting each inventor's signature.

A copy of the Supplemental Declaration, the Amendment to be filed, and a

letter requesting Mr. Oliveri's signature on the Supplemental Declaration were mailed to Mr. Oliveri on October 28, 2003 and November 14, 2003. Copies of these letters, a DHL Package Tracking Slip indicating that the November 14, 2003 was signed for and delivered, and an unused DHL return address label and DHL Package Tracking Slip are attached as Exhibit D. A copy of the Supplemental Declaration is attached as Exhibit E.

Mr. Oliveri left Lucas Varity GmbH on good terms and there were no prior indications that obtaining Mr. Oliveri's signature for this Reissue Application or any other TRW Automotive, Inc. patent application would be problematic. Because the due date for responding to the Office Action was approaching, I found Mr. Oliveri's home phone number using an worldwide phone directory on the World Wide Web. I was unable to locate a work location or work phone number for Mr. Oliveri through the World Wide Web or from his wife who I and Jennifer Hill, a Lucas Automotive GmbH employee, spoke to at his home by telephone.

Allen Inks, Reg. 37,358, and I contacted Mr. Oliveri by telephone at his home on November 21, 2003. In this conversation, Mr. Oliveri indicated that he had received the letter, Supplemental Declaration, and Amendment. In this conversation, Mr. Oliveri also indicated that he was not prepared to sign the Supplemental Declaration at this time, but would sign the Supplemental Declaration after favorable information regarding his percentage contribution to the invention of the Reissue Application was transmitted to him. Mr. Inks and I indicated we did not have any knowledge of this information. Mr. Inks and I expressed to Mr. Oliveri that we believed a previous Assignment and Declaration for the subject invention had been executed by Mr. Oliveri, and to the best of our knowledge Mr. Oliveri had already been compensated for his contribution to the subject invention. Mr. Oliveri suggested that someone with the ability to discuss his percentage contribution to the subject invention should contact him regarding the Supplemental Declaration.

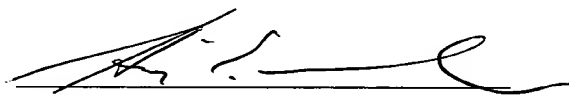
Thomas Wagner, an employee of Lucas Automotive GmbH, also a subsidiary of TRW Automotive, Inc., contacted Mr. Oliveri by telephone on November 22, 2003. In this conversation, Mr. Oliveri indicated that he had received the letter,

Supplemental Declaration, and Amendment. Mr. Oliveri again indicated to Mr. Wagner that he would not sign the Supplemental Declaration without further favorable information regarding his percentage contribution on the invention of the Reissue Application. Mr. Wagner was unwilling to provide percentage contribution information to Mr. Oliveri that Mr. Oliveri found favorable, and Mr. Oliveri further indicated that he would not sign the Supplemental Declaration without acceptable percentage contribution information. A Declaration executed by Thomas Wagner detailing his contact with Mr. Oliveri regarding this Supplemental Declaration is attached as Exhibit F.

Therefore, Applicants believe that Salvatore Oliveri has refused to sign the Supplemental Declaration for Reissue Application Serial No. 09/939,509. Thus, Applications request that the signature requirement for Salvatore Oliveri for the Supplemental Declaration be waived.

The last known address of Salvatore Oliveri is: Markt Strasse 11, 56341 Filsen, Germany.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Staci E. Schweikert', written over a horizontal line.

Staci E. Schweikert
Reg. No. 52,200

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